

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FRANCOIS XAVIER KIEMDE,

Plaintiff,

v.

RUTH DOROCHOFF,

Defendants.

ORDER

09-cv-660-slc

Plaintiff has filed this civil action under 28 U.S.C. § 1331 for violations of the Administrative Procedures Act and the Immigration and Nationality Act. In addition, plaintiff brings this action under 28 U.S.C. § 1361, seeking to compel defendant to grant plaintiff permanent resident status. Plaintiff has paid the \$350 fee for filing this case.

The next step is for plaintiff to serve his complaint on defendant. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendants. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving his case to resolution. If plaintiff acts promptly, he should be able to serve his complaint on the defendant well before the deadline for doing so established in Rule 4.

To help plaintiff understand the procedure for serving a complaint on a federal officer, I am enclosing with this memorandum a copy of a document titled "Procedure for Serving a Complaint on Individual Federal Officers in a Federal Lawsuit." In addition, I am enclosing to plaintiff one extra copy of his complaint and forms he will need to send to the defendant in accordance with the procedures set out in Option 1 of the memorandum.

Copy of this document has been
provided to W. J. Korth
this 3rd day of Nov, 2009
by C. A. Korth
C. A. Korth, Secretary to
Magistrate Judge Crocker

ORDER

IT IS ORDERED that plaintiff promptly serve his complaint on the defendant and the United States as required by Fed. R. Civ. P. 4(i)(2)(B) and file proof of service of his complaint as soon as service has been accomplished. If, by January 4, 2009, plaintiff fails to submit proof of service of his complaint on the defendants or explain his inability to do so, I will direct plaintiff to show cause why his case should not be dismissed for lack of prosecution.

Entered this 3rd day of November, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge